

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21-41 are pending in this application. Claims 21-23, 31-33, 36 and 38 have been amended to replace the word “contain” with “include.” Since these changes are only formal in nature, they are not believed to raise a question of new matter. Claim 41 has been added by the present Amendment without the introduction of new matter. New dependent Claim 41 recites that, “in the ordering the order data is indicated by the user.” Support for Claim 41 is found in Applicants’ Specification at page 5, line 25 to page 6, line 17, and page 6, lines 26-29.

In the outstanding Office Action, Claims 21-25, 27, 29 and 30 were rejected under 35 U.S.C. §103(a) as unpatentable over Ritter (U.S. Patent No. 6,859,650) in view of Goldstein et al. (U.S. Patent No. 6,216,227, hereinafter “Goldstein”). Claims 31-40 were indicated as allowed. Claims 26 and 28 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter. However, since Applicants consider that Claim 21 as previously presented, from which Claims 26 and 28 depend, defines patentable subject matter, Claims 26 and 28 are maintained in dependent form at the present time.

In response to the rejection of Claims 21-25, 27 and 29-30, Applicants respectfully traverse the rejection and request reconsideration of the rejection, as next discussed.

Applicants’ independent Claim 21 recites a method for ordering, loading, and using admission tickets for access to access-controlled service devices. The method includes, *inter alia*, the features below:

ordering at least one admission ticket from a reservation center through transmission of order data by an order channel, of various possible order channels, to the reservation center, the order data including ***a call number of the mobile communications terminal***; and

transmitting the ordered admission ticket by a mobile network ***to that mobile communications terminal***, to which the call number included in the order data is assigned.

Accordingly, Applicants' invention as recited in Claim 21 allows an interested customer to order an admission ticket via one of order channels and *to have the ordered admission ticket delivered to any communications terminal defined by the call number included in the order data*. In this regard, the order channels include, for example, a personal communications terminal connected to the reservation center, a fixed telephone network, the Internet, a ticket window at the reservation center, or a verbal ordering via a mobile network.¹ Also, in this regard, *the interested customer enters in the order data a call number of a mobile communications terminal of the interested customer's choice*.² Thus, the destination of the ticket delivery is defined by the call number indicated by the interested customer and not by a call number determined automatically by the system.

As a result, Applicants' invention allows the interested customer, for example, to order an admission ticket via the Internet and to have the ordered admission ticket delivered via a different channel to a chip card of a mobile telephone. Further, the method allows a user, for example, to order an admission ticket via a fixed telephone network and to have the admission ticket delivered to a mobile telephone of another user.

In contrast, the references Ritter and Goldstein used by the outstanding Office Action to form the 35 U.S.C. §103(a) rejection, either taken singularly or in combination, do not disclose or suggest the above features of the ordering and the transmitting recited in Claim 21.

¹ See Applicants' Specification at page 5, line 25 to page, 6, line 17.

² See Applicants' Specification at page 6, lines 26-29.

Ritter discloses a device and a method for communication which are suitable for the two-way transmission, via a contactless interface, of data and programs to or from a chip card in a mobile apparatus.³ Ritter's mobile apparatus 1 is provided with a SIM card 2.⁴ The SIM card 2 contains a GSM controller 20 which stores identification data of a subscriber of the mobile radio network. The identification data includes a MSISDN (i.e., Mobile Station Identity Number). Such identification data is to be transmitted to another terminal utilizing the method for communication disclosed in Ritter.⁵ However, nowhere does Ritter disclose or suggest the method including the ordering and the transmitting as recited in Claim 21.

Goldstein discloses, as shown in Figure 1, a system for issuing, storing, and validating tickets stored on a user's smart card. The system in relevant parts is disclosed in Goldstein as follows:⁶

With reference now to FIG. 3, state 300 is a start state. In state 302, applet loader 102 is coupled to smart card 100 and prepares to download applet 210. Illustratively, *the owner of smart card 100 inserts the smart card into a device comprising applet loader 102 and selects applet 210 for installation (e.g., by indicating a desire to purchase Giants baseball tickets).* In an alternative embodiment, *the owner inserts smart card 100 into a separate computer system connected to applet loader 102 via the Internet or other communication link. ...*

Loading a Ticket

Once a venue applet is loaded onto smart card 100, tickets for events at that venue (e.g., matches or games at a sporting field, flights offered by an airline) may be purchased and loaded as well.

...

FIG. 4 depicts an illustrative procedure for purchasing an electronic ticket In this embodiment, smart card 100 is coupled to a computer system operated by the owner of smart card 100 that is also connected to the Internet. Tickets are selected using an interface for the venue's web server, and then *downloaded over the*

³ See Ritter in the abstract.

⁴ See Ritter in Figures 1 and 2.

⁵ See Ritter at column 3, line 47 to column 4, line 16.

⁶ See Ritter at column 6, line 12 to column 8, line 20.

Internet and stored on smart card 100. ...

In state 408, ticket loader 104 validates the signature received from smart card 100. ...

Next, in state 410 ticket loader 104 generates and signs ticket 212 for the venue based upon the event data selected by the smart card owner/user. ... In state 412, ticket 212, complete with signature 212a, is downloaded and stored on smart card 100.

Accordingly, identification data of a communications terminal to which the ordered admission ticket is to be downloaded is already stored in the smart card 100 at the time of ticket ordering. The owner of the smart card 100 uses the smart card 100 to transmit the identification data of the communications terminal to which the smart card 100 is provided and to which the ordered admission ticket is downloaded.

Thus, nowhere does Goldstein disclose or suggest the method including the ordering and the transmitting, as claimed. Therefore, the system in Goldstein does not allow a user of the system, who is the owner of the smart card, to enter in the order data a call number of a mobile communications terminal of the user's choice and to have the ordered admission ticket delivered to that mobile communications terminal of the user's choice.

Since neither Ritter nor Goldstein teach or suggest all of the limitations recited in Claim 21, particularly the limitations of the ordering and the transmitting, even if teachings of these references are combined, the references would not obviate Applicants' invention recited in Claim 21. Therefore, Applicants respectfully request the withdrawal of the obviousness-type rejection of Claim 21.

Regarding the Official Notice and the 35 U.S.C. §103(a) rejection,⁷ since M.P.E.P. §2141.02 requires that the invention as a whole be considered and the Official Notice taken in the outstanding Office Action is applied in the context of a 35 U.S.C. §103 rejection, Applicants respectfully traverse the Official Notice in the outstanding Office Action.

⁷ See the outstanding Office Action at page 4, lines 3-8.

Moreover, regardless of whether or not the features noticed in the outstanding Office Action are well known, M.P.E.P. §2144.03 states that it is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based.

Applicants respectfully submit that the references of record also do not teach or suggest features of Applicants' dependent claims. Specifically, Claim 41 recites, as noted earlier, that "the order data is *indicated by the user* [emphasis added]." As discussed above, the cited references, either taken singularly or in combination, do not teach or suggest that the order data is indicated by the user. Therefore, Claim 41 is believed to be allowable.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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